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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,624

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7590

10/16/2007

EXAMINER

IDOWU, OLUGBENGA O

ART UNIT

PAPER NUMBER

2623

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/776,624

Applicant(s)

YASSA, FATHY

Examiner

Olugbenga O. Idowu

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2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6 - 9, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-4, 6 - 9, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-4, 6-9, 11 and 12 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 –4 and 6 - 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Tomsen, publication number: US 2002/0147984 A1.

As per claim 1, Tomsen teaches a method of co- casting content, where said content is audio-visual or text, via a television signal to a viewer based upon the viewer's preferences (user requesting for supplementary data, [0070]) comprising the steps of determining the user's viewing preference (storing user preferences, [0059]), where said user preferences are preprogrammed into a set top box (STB noting user preferences, [0086]), obtaining content from a content provider, where said content provider is content producing network, a content distributing network (cable network, [0040]),

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embedding co-cast information into the television signal (embedding information in TV signal, [0062 – 0063]), transporting the content to an end-user via a transport means (receiving encoded signals, [0042]), extracting the co-cast extracted by a STB (decoding received information, [0042]), obtaining a request for said co-cast content from an end user (user request, [0070]) and transmitting said co-cast content to a destination device (sending information back to STB that requested, [0076]), said destination device being any device capable of receiving a television signal (STB, 0042).

As per claim 2, Tomsen teaches where the user's viewing preferences are programmed into a computer and sent to the end-user's set top box (after which the STB 102, itself, performs filtering based upon stored user preferences 614, [0095], lines 3 - 5); where said viewing preferences are transmitted to one or more content providers via a return channel in the set top box (user requesting information, [0070]).

As per claim 3, Tomsen teaches where the set top box determines the user's viewing habits by reading the index data from the television signal and transmitting the uncollated index data from the television signal and transmitting the uncollated index data to one or more content providers via a return channel in the set top box (In one implementation, the information request 502 contains an indication 610 of the specific television program being viewed. The indication 610 may be obtained, for example, from data encoded within the vertical blanking interval (VBI) of the television broadcast.

[0083], the STB generates the information request [0072] lines 4 – 5, and it is assumed that the viewer likes the channel being watched).

As per claim 4, Tomsen teaches where the data collection occurs in the set top box; where said set top box transmits said collected data to one or more content provider using a return channel on the set top box (the STB 102 generates an information request 502, STB sending request upstream [0072], [0083]).

As per claim 6, Tomsen teaches where the content provider obtains the user preferences and viewing habits, and uses them to dynamically and in real time, insert co-cast content into the television signal (sending information based on user preference, [0070], [0076])

As per claim 7, Tomsen teaches where the content provider sends personalized content to the set top box via the Internet, where said personalized content is audio, visual and text (using TCP/IP, [0047]).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 – 9 and 11 - 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsen in view of Bisdikian, publication number: US 2004/0117857 A1.

As per claim 8, Tomsen teaches an information transfer system that sends content to a user based on user preferences. Tomsen does not teach the system sending content to a wireless device or allowing different wireless devices to communicate independently and receive different content.

In an analogous art, Biskikdian teaches a system that sends personalized content to a user. Biskidian also teaches: where the set top box transmits content to a wireless device (the set-top box may be connected to the cellular phone with a wire, e.g. a serial cable, or wirelessly, [0027], lines 23 - 25), the additional information is then sent by a link(from set top box 303) 402 and displayed on the PDA[0028], lines 4- 5). Where said wireless devices may communicate independently with the set top box and where each wireless device may receive different co-cast content (Fig. 8, devices 201 and 401 having individual connections, [0032], lines 16 – 19, devices receiving streams based on request, [0033], lines 24 - 29)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a wireless device in the system of Tomsen as taught by biskidian, for the advantages of reduced distraction while watching TV because additional information

and other transactions are sent to the cellular phone and to avoid sending unnecessary information to devices ([0027], lines 26 – 29)

As per claim 9, the combination of Tomsen and Biskidian teach where the set top box uses the Internet TCP/IP protocol to transmit said content (Tomsen: TCP/IP, [0047])

As per claim 11, the combination of Tomsen and Biskidian teach where all wireless device may communicate with the set top box simultaneously (Biskidian: Fig. 8, devices 201 and 401 having individual and simultaneous connections, [0032], lines 16 – 19)

As per claim 12, the combination of Tomsen and Biskidian teach where the content received by the wireless device is audio, visual or text for playback on the wireless device (Biskidian: devices receiving streams based on request, [0033], lines 24 - 29).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olugbenga O. Idowu whose telephone number is 571 270 1450. The examiner can normally be reached on Monday to Friday, 7am -5pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571 272 7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

O.I.

  
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